

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

PEOPLE OF THE STATE OF CALIFORNIA  
EX REL. BILL LOCKYER, ATTORNEY GENERAL  
OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

POWEREX CORP., a Canadian Corporation,  
dba POWEREX ENERGY CORP.,  
and DOES 1 - 100,

Defendant.

CIV-S-05-143 GEB PAN  
CIV-S-05-518 GEB PAN  
CIV-S-05-1216 DFL DAD

ORDER

CALIFORNIA DEPARTMENT OF WATER  
RESOURCES,

Plaintiff,

v.

POWEREX CORP., a Canadian Corporation,  
dba POWEREX ENERGY CORP.,  
and DOES 1 - 100,

Defendant.

PEOPLE OF THE STATE OF CALIFORNIA  
EX REL. BILL LOCKYER, ATTORNEY GENERAL  
OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

POWEREX CORP., a Canadian Corporation,  
dba POWEREX ENERGY CORP.; PUBLIC  
SERVICE COMPANY OF NEW MEXICO;  
and DOES 1 - 100,

Defendants.

1 On June 17, 2005, Powerex Corp. filed a Notice of Related  
2 Cases document in CIV-S-05-1216.<sup>1</sup> Although the earlier filed actions  
3 were related so that the same magistrate judge would be assigned to  
4 both actions, when the remand motions filed in those actions were  
5 analyzed, the non-relatedness of the actions was discerned.

6 The latest filed action is not related to the earlier filed  
7 actions since the actions involve different legal claims and factual  
8 allegations. Specifically, the latest filed action is based on an  
9 alleged conspiracy between Powerex Corp., Public Service Company of  
10 New Mexico, and the Colorado River Commission, whereas the earlier  
11 filed actions are not based on a conspiracy claim and do not mention  
12 either the Public Service Company of New Mexico or the Colorado River  
13 Commission.

14 IT IS SO ORDERED.

15 Dated: June 22, 2005

16  
17 /s/ Garland E. Burrell, Jr.  
18 GARLAND E. BURRELL, JR.  
19 United States District Judge  
20  
21  
22  
23  
24

---

25  
26 <sup>1</sup> The document was not filed in the earlier filed actions  
27 as required by Local Rule 83-123(b). See L.R. 83-123(b) ("Counsel  
28 who has reason to believe that an action on file or about to be  
filed is related to another action on file . . . shall promptly  
file in each action and serve on all parties in each action a  
Notice of Related Cases.").